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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 SIDNEY ALBERT POTTS,

7 Petitioner,

8 v.

9 MIKE OBENLAND,

10 Respondent.

Case No. C19-5541-BHS-TLF

**ORDER GRANTING MOTION TO
STAY AND ABEY HABEAS
PROCEEDINGS**

11 In June of 2019, petitioner filed a habeas corpus petition in this court. Dkt. 4. Respondent
12 now moves to stay petitioner's federal habeas petition pending the outcome of petitioner's
13 personal restraint petition (PRP) in state court. Dkt. 7. Respondent indicates he is unable to
14 prepare an answer to the petition because he does not have access to the state supreme court file
15 and will not have access to those records until petitioner's PRP is finalized. *Id.* Petitioner has not
16 opposed or otherwise responded to respondent's motion.

17 This Court has discretion to stay a petition to allow a petitioner to return to state court to
18 present his claims. *See Rhines v. Weber*, 544 U.S. 269, 274-79 (2005). Once petitioner exhausts his
19 state remedies, the federal court will lift the stay and allow the petitioner to proceed on exhausted
20 claims. *Id.*, at 275-76.

21 Accordingly, the Court **GRANTS** respondent's motion (Dkt. 7) to stay and abey federal
22 habeas proceedings pending resolution of the personal restraint petition filed under Washington
23 State Supreme Court Cause No. 96918-3, and **ORDERS**:

1. This matter is **stayed and abeyed** until 30 days after the Washington State Courts have ruled on petitioner's state personal restraint petition.

2. The current due date to file an answer is stricken. The Court will issue a new briefing schedule once state proceedings have been completed.

3. The parties shall file **joint status reports every 120 days** apprising the Court of the status of the state proceedings.

4. The parties shall **notify the Court within 30 days** after the Washington State Courts have ruled on petitioner's state personal restraint petition.

Dated this 22nd day of August, 2019.

Theresa L. Friske

Theresa L. Fricke
United States Magistrate Judge